

On January 27, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Griggs, Cooper, & Co., a corporation, trading at St. Paul, Minn., charging shipment by said corporation in violation of the Food and Drugs Act, on or about December 23, 1933, from the State of Minnesota into the State of Colorado of a quantity of crackers that were misbranded. The article was labeled in part: "Minuet Wafers Sanitary Food Manufacturing Co. Saint Paul, Minnesota Minuet Wafers Tasty—Salty—Cracker Net Weight One Pound."

The article was alleged to be misbranded in that the statement, "Net Weight One Pound", borne on the label, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since it represented that the packages each contained 1 pound of the article; whereas, in fact, the packages contained less than 1 pound of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On April 4, 1936, a plea of nolo contendere was entered on behalf of the defendant corporation, and the court imposed a fine of \$20.

W. R. GREGG, *Acting Secretary of Agriculture.*

25853. Alleged misbranding of canned shelled pecans. U. S. v. R. E. Funsten Co. Tried to the court. Judgment of not guilty. (F. & D. no. 33812. Sample nos. 61641-A, 66761-A.)

This case was based on interstate shipments of canned shelled pecans, the contents of the cans of which were alleged to be short in weight.

On November 15, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. E. Funsten Co., a corporation, St. Louis, Mo., charging shipment by said corporation in violation of the Food and Drugs Act, on or about October 5, 1933, from the State of Missouri into the State of Wyoming, and on or about November 27, 1933, from the State of Missouri into the State of Montana, of quantities of shelled pecans that were misbranded. The article, contained in cans, was labeled: "Funsten's Shelled Pecans Select Halves Vacuum Packed Always Fresh Net Weight 8 Oz. R. E. Funsten Company, St. Louis, Mo., U. S. A."

The article was alleged to be misbranded in that the statement "Net Weight 8 Oz.", borne on the label, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the statement represented that each of the cans contained 8 ounces of the article; whereas, in fact, each of nearly all of the cans contained less than 8 ounces of the article. The article was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity of the contents of each of nearly all of the packages was less than 8 ounces, the amount stated.

On April 3, 1936, a jury having been waived, defendant was tried to the court and adjudged not guilty.

W. R. GREGG, *Acting Secretary of Agriculture.*

25854. Adulteration of canned tuna and canned mackerel. U. S. v. French Sardine Co., a corporation. Plea of guilty. Fine, \$500. (F. & D. no. 33907. Sample nos. 686-B, 24115-B, 47947-B.)

This case involved a shipment of canned tuna and a delivery for shipment of canned mackerel which were in part decomposed.

On July 29, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the French Sardine Co., a corporation, Terminal Island, Calif., alleging that on or about May 5, 1934, the defendant company shipped from the State of California into the State of Washington a quantity of canned tuna; that on August 12, 1934, the defendant company delivered for shipment from the State of California into the State of Pennsylvania a quantity of canned mackerel; and that the articles were adulterated in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Belle Isle * * * F. S. Co. * * * Fancy Solid Pack Tuna Net Weight 7 Oz.", and "Eatwell Brand, California Mackerel * * * Packed By * * * French Sardine Co. Inc. Terminal Island, California."

The canned tuna was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

The canned mackerel was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On June 15, 1936, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$500.

W. R. GREGG, *Acting Secretary of Agriculture.*

25855. Adulteration and misbranding of mustard. U. S. v. Mid-West Food Packers, Inc., and Robert J. Meguiar. Pleas of guilty. Company fined \$100 and costs. Individual defendant fined \$100. (F. & D. no. 33914. Sample nos. 39326-A, 39331-A, 50768-A, 50769-A, 58285-A, 58286-A, 63789-A, 68601-A, 68662-A, 68664-A to 68668-A, incl., 68683-A, 68684-A, 68801-A, 68803-A, 68970-A to 68973-A, incl.)

These products contained undeclared mustard bran and the labels on the cans of two of them bore erroneous statements regarding the weight of the contents of the cans.

On March 5, 1935, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mid-West Food Packers, Inc., and Robert J. Meguiar, Fowlerton, Ind., alleging shipments by them in violation of the Food and Drugs Act as amended, in the period from May 29, 1933, to February 7, 1934, from Fowlerton, Ind., to places in Alabama, Arkansas, Kansas, Pennsylvania, Rhode Island, and South Carolina of quantities of a product, purporting to be mustard, which was adulterated and misbranded. The product was variously labeled in part: (Jar) "Mid-West Brand Pure Prepared Mustard Contents 2 Lbs. Made By Midwest Food Packers, Inc. Fowlerton, Ind."; (jar) "Golden Sun Brand Pure Prepared Mustard"; (jar) "Rocky Point Brand Prepared Mustard Net Contents 1 Lb. Packed For Rhode Island Wholesale Grocery Co. Providence, R. I."; (jar) "Trump Pure Prepared Mustard Contents 1 lb. Packed for Eastern Whol. Groc. Co. Providence, R. I."

Adulteration of the four brands of mustard was charged, with respect to each of the brands, under the allegation that mustard bran had been substituted in part for prepared mustard.

Misbranding of the four brands of mustard was charged with respect to each of the brands, (a) under the allegations that the label on the jars bore the statement "Prepared Mustard", that the article was a product that contained added and undeclared mustard bran, and that the statement aforesaid was false and misleading; (b) under the allegation that the said statement was borne on the label on the jars so as to deceive and mislead the purchaser; (c) under the allegation that the article was sold under the distinctive name of another article, namely, prepared mustard.

Misbranding of the Mid-West Brand Pure Prepared Mustard was further charged (a) under the allegations that the labels of some of the jars bore the statement "Contents 1 lb.", and that the labels of other jars bore the statement "Contents 2 lbs.", that the jars contained less than 1 pound and 2 pounds, respectively, and that each of the said statements was false and misleading; (b) under the allegation that each of the aforesaid statements was borne on the jar so as to deceive and mislead the purchaser; (c) under the allegation that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight.

Misbranding of the Golden Sun Brand Pure Prepared Mustard was further charged (a) under the allegation that the label of the jars bore the statement "Contents 2 lbs.", that the jars contained less than 2 pounds, and that the said statement was false and misleading; (b) under the allegation that the statement was borne on the jars so as to deceive and mislead the purchaser; (c) under the allegation that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight.

On January 13, 1936, pleas of guilty having been entered, the defendant company was fined \$100 and costs, and the individual defendant was fined \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*